

CHAPTER 10

LOCAL INDIAN CHILD

WELFARE

ADVISORY COMMITTEE

CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 10 – LOCAL INDIAN CHILD WELFARE ADVISORY COMMITTEE

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10.01 INTRODUCTION

- A. The requirements of this chapter apply only to staffing of Indian children whose Tribe, Band, or Canadian First Nations is unavailable by a Non-Tribal Local Indian Child Welfare Advisory Committee (LICWAC). The Indian child's own Tribe, Band, or Canadian First Nations is always the first resource for case planning for the child. See chapter 03, section 03.10, for the definitions of "Indian Child," "Canadian Indian Child," and "Recognized Indian Child."

B. Definition of LICWAC

1. A LICWAC is a body of volunteers, approved and appointed by Children's Administration (CA), who staff and consult with the department on cases of Indian children who:
 - a. Are members of a Tribe, Band, or First Nations but for whom the Tribe, Band, or First Nations has not responded, or has chosen not to be involved, or is otherwise unavailable; or
 - b. For whom the child's Tribe, Band, or First Nations has officially designated the LICWAC to staff the case; or
 - c. Are defined as Recognized Indian Child. See chapter 03 for the definition.
2. Staffing a child with LICWAC does not eliminate any CA notification requirements to the child's Tribe, and CA must continue efforts to involve the Tribe in planning.

C. Policy/Procedure for LICWAC

1. This policy implements the requirements of the
 - Federal Indian Child Welfare Act, (ICWA), 25 USC 1901, et. seq.;
 - Title IV-E of the Social Security Act;

- The Tribal/State Agreement;
- RCW 13.04.030;
- RCW 13.34.240;
- RCW 13.34.245;
- RCW 13.34.250;
- RCW 13.70.150;
- CA's Washington Administrative Code chapter on Indian Child Welfare (ICW);
- The *CA Case Services Policy Manual*; and
- The *CA Practices and Procedures Guide*.

D. Purpose

The purposes of a LICWAC are to:

1. Advise CA on case planning and services for Indian children and their families when the child or family's Tribe, Band, or Canadian First Nations is unavailable.
2. Encourage the preservation of Indian families and Tribes by ensuring CA and private agency compliance with ICWA, state law, ICW WAC requirements, and the Tribal-State agreement.
3. Encourage involvement by Tribal governments and Indian Organizations in case planning for Indian children.
4. Ensure culturally relevant resources are offered to Indian children and their families to prevent out-of-home placement or expedite reunification efforts, including in-home family support services whenever possible; and to identify gaps in services for Indian children to the DCFS Regional Administrator.

5. Ensure increased participation of families, foster parents, and children in the review process.
6. Support the efforts of Tribes to exercise self-determination in Indian Child Welfare matters.
7. Advocate for the needs of Indian children in the development and monitoring of all CA/private agency case plans involving Indian children.
8. Provide case planning advice and consultation when the Indian child's Tribe, Band, or Canadian First Nations declines involvement, withdraws from involvement, or requests that the LICWAC be involved with the case in behalf of the Tribe, Band, or Canadian First Nations.

E. Amendments, Addenda, and Alternate Agreements

The DCFS Regional Administrator, in consultation with all Tribes and Indian organizations in the region, may develop amendments, addenda, and/or alternate agreements related to LICWAC procedures.

1. The Regional Administrator may develop these agreements through the DSHS Administrative Policy 7.01 plan update process.
2. A regional change to LICWAC procedures must not be contrary to a specific WAC, state law, or federal requirement.
3. Each affected Tribes and Indian organizations must approve amendments, addenda, and alternate agreements for them to take effect with respect to that individual Tribe or Indian organization.
4. The CA Assistant Secretary must approve all regional addenda, amendments, and alternate agreements.
5. The DCFS Regional Administrator must provide notice of changes to all Tribes and off-reservation organizations as well as to other CA regions in the state.

10.05 CRITERIA FOR LICWAC INVOLVEMENT

- A. The social worker must staff the case in the following preferential order:
 - 1. With representatives designated by the child's Tribe to staff the case with the social worker;
 - 2. With a tribal LICWAC designated by the child's Tribe to staff the cases of all tribal children with the social worker;
 - 3. With the CA LICWAC designated to staff cases involving Indian children in the custody of the CA and meeting the criteria of this section, when the child's Tribe is unavailable.
- B. The social worker must not involve the CA LICWAC in activities related to a specific case unless:
 - 1. The child's Tribe is unavailable; or
 - 2. The Tribe has requested LICWAC involvement; or
 - 3. The case requires a Child Protective Team (CPT) staffing and the procedures in chapter 05, section 05.30, have been followed; or
 - 4. The case involves an Canadian First Nations or Recognized Indian child and requires an administrative review.
- C. The social worker may consider a child's Tribe unavailable if, after efforts, including telephone, fax, e-mail, and regular mail, to contact have been unsuccessful:
 - 1. The child's Tribe has indicated in writing or by a telephone call documented in the CAMIS Service Episode Record (SER) that the Tribe does not wish to actively participate in the case; or

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2. The child's Tribe has failed to respond within 10 working days from the date post-marked to a written request for involvement; or
 3. The child meets the definition of "Recognized Indian Child" as defined in chapter 3, section 3.10; or
 4. There is reason to believe a child may be Indian, but the social worker has not yet verified the child's membership status.
- D. If the child's Tribe is unavailable and the social worker knows the identity of the child's Tribe, the CA or private agency social worker documents the request for the Tribe's involvement and the Tribe's response in the ICW section of the client service record.
- E. The DCFS or private agency social worker continues on a monthly basis to seek tribal involvement even if the Tribe does not respond or does not wish to actively participate in the case.
- F. If the child's Tribe, after being unavailable, subsequently indicates that the Tribe wishes to actively participate in the case, the DCFS or private agency social worker does not further involve LICWAC in the case.
- G. If the child's Tribe, after requesting LICWAC involvement, subsequently asks that LICWAC not be involved, the DCFS or private agency social worker does not further involve LICWAC unless the criteria in section 10.05(A), above, become applicable.
- H. If the child's Tribe does not formally intervene, the social worker provides case planning and service information to the child's Tribe as provided in chapter 04, Confidentiality and Information Disclosure.

10.10 DEFINITION OF INDIAN CHILD

See chapter 03, section 03.10, regarding definitions of “Indian Child,” “Canadian First Nations Indian Child,” and “Recognized Indian Child” and chapter 03, section 03.20, regarding inquiry into a child's Indian status.

10.15 FUNCTIONS OF LICWAC

Subject to the criteria in section 10.05, above, a CA LICWAC performs the following functions:

- A. Reviews the case of each Indian child receiving services from a CA program or private child placing agency unless the Tribe has accepted jurisdiction or is involved in planning for the case. If a Tribe chooses to refer a case to the LICWAC, the social worker must make efforts to obtain representation, including teleconferencing, from the Tribe at all LICWAC staffings on that case. The social worker must document such efforts in the CAMIS SER.
- B. Acts as a multi-disciplinary team for CA and private agency workers in the development of culturally relevant case plans.
- C. Reviews the CA or private agency social worker's assessment of potential risk factors and makes appropriate recommendations to ensure the safety of each Indian child.
- D. Reviews potential placements of Indian children in non-Indian homes when the child's Tribe is unavailable. See section 10.30 regarding non-Indian placements).
- E. Acts as the Administrative Review Team for Indian cases requiring an administrative review.
- F. Acts as the Child Protective Team (CPT) for all Indian cases meeting the criteria for a CPT staff. See Section 10.30 for criteria.
- G. Conducts permanency planning staffings and prognostic staffings for all Indian children whose permanency planning and prognostic staffings are not being conducted by the Indian child's Tribe.

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- H. Requests the Regional Administrator to initiate reviews of case plans that the LICWAC believe are detrimental to the best interests of Indian children.
- I. Acts in an advisory capacity to the Regional Administrator regarding the region's development, implementation, and monitoring of procedures related to FRS, CWS, CPS, and adoption services to Indian children and their families.
- J. Acts as an expert witness, but only with the Tribe's knowledge and approval and only in cases involving Indian children whose Tribes are unavailable. See section 10.05, paragraph C.
 - 1. In other cases where the child's Tribe is available but cannot provide a representative to act as an expert witness, LICWAC members may act as an expert witness, but only with the Tribe's knowledge and approval. However, the department's legal representative must concur with use of the person identified to serve as the expert witness.
 - 2. The social worker must seek the Tribe's approval in any case in which the LICWAC acts as an expert witness and shall document it in the CAMIS SER.
- K. Assists CA and private agency staff to research and identify the potential tribal affiliation of children whose Indian status is in question, utilizing the following criteria:
 - 1. When any party to the case, an Indian Tribe, Indian organization, or public or private agency informs CA or the private agency that the child is an Indian child.
 - 2. CA, or the private agency, makes diligent inquiry and discovers information that suggests that the child is Indian.
 - 3. Any child involved in a child custody proceeding gives reason to believe that the child is an Indian.

4. The residence or domicile of the child, the child's biological parents, grandparents, great grandparents, or Indian custodian, if any, is known to have been within a predominantly Indian community.
 5. The child or the child's parents or relatives are receiving per capita payments or attended an Indian boarding school.
 6. CA, or the private agency, upon inquiry, is informed that the child is or has been a ward of the tribal court.
- L. If CA or the child placing agency obtains actual or constructive knowledge that a child may be an Indian child, the provisions of this policy apply unless CA, or the child placing agency, later establishes with reasonable certainty that the child is not an Indian child. See chapter 03 regarding determination of a child's Indian status. Also see chapter 03, section 03.40, and chapter 11, section 11.104, regarding when children may be considered non-Indian.
- M. If a social worker closes a case after it has been staffed with the LICWAC, and the LICWAC has not recommended closing the case, the social worker must nevertheless staff the case with the LICWAC unless the case was closed within 30 days of intake. In either event, the social worker must send notice to the Tribe that CA or the child placing agency has closed the case.
- N. Participate in ICW staff hiring in accordance with chapter 01, section 01.35.

10.20 LICWAC MEMBERSHIP

- A. LICWAC members must be Native American/Alaskan Native people or non-Indian people designated by a Tribe or an off-reservation Indian organization who are familiar with the special needs of Indian children residing within the particular catchment area.
1. CA must formally register LICWAC members as volunteers of the department.

2. CA will seek legal representation from the Office of the Attorney General for LICWAC members in all tort actions in which the members become involved as a result of their authorized participation in LICWAC. This representation will be limited to cases in which the LICWAC member is not opposing the department's position.
3. LICWAC liaisons must conduct background checks on LICWAC members who may have unsupervised access to children or developmentally disabled adults. See the *CA Operations Manual*, chapter 5000, section 5500. The liaison will apply the requirements of sections 5563 and 5590 when determining the suitability of a person to serve on LICWAC.
4. The DCFS Regional Administrator may appoint, upon recommendation by majority vote of the LICWAC, non-Indian resource persons as ex-officio, non-voting members.
5. Members must be responsible community members who:
 - a. Have a genuine interest in the welfare of Indian children;
 - b. Do not abuse alcohol/drugs;
 - c. Do not have any convictions relating to domestic violence or offenses against children;
 - d. Are not employees of the Children's Administration;
 - e. Do not regularly represent individuals in actions against the department; and
 - f. Are not *guardians ad litem* (GAL) or Court Appointed Special Advocates (CASA).

- B. The committee must consist of representatives appointed by the DCFS Regional Administrator from persons nominated by tribal governments and off-reservation Indian organizations. Each Regional Administrator must develop a protocol for appointing LICWAC members or use the following procedures:
1. Persons nominated to serve on LICWAC by Tribes or off-reservation Indian organizations require only a letter of nomination from the respective Tribe or organization. The Tribe or organization needs to write the letter directly to the respective Regional Administrator to recommend appointment.
 2. In appointing members to LICWAC from among those individuals nominated by Indian authorities, the Regional Administrator must work toward achievement of a balanced membership that includes tribal designees and the designees of a variety of off-reservation Indian organizations in the service area.
- C. Community persons interested in serving on the LICWAC, but have not been specifically nominated by a Tribe or off-reservation Indian organization must:
1. Obtain an "Application for Advisory Body Appointment" from the LICWAC chairperson or the DCFS Regional LICWAC Liaison;
 2. Upon completion of the application, attach a current resume' and two reference letters; and
 3. Return the application packet to the LICWAC Liaison.
- D. The Liaison reviews the community person's application with the LICWAC, which must review all applications and may request to interview the applicants. If the LICWAC endorses the applicant for membership, the Liaison sends the recommendation to the Regional Administrator for appointment.

- E. The Regional Administrator may appoint an applicant or nominee only if the background check does not indicate there are any issues.
 - 1. See the *CA Operations Manual*, chapter 5000, sections 5563 and 5560 for lists of criminal offenses.
 - 2. If the background check indicates that there is an issue, the Regional Administrator may still appoint the person if the Regional Administrator and the LICWAC believe the problems causing the issue have been resolved. For example, if a prospective LICWAC member had been convicted of a DUI 15 years before applying for membership and has had no subsequent legal problems, the Regional Administrator and LICWAC could approve the person for membership.
- F. The Regional Administrator may decline to appoint a person nominated to serve as a member of LICWAC if the person would have conflicts of interest or for other documented good cause. Before declining to appoint a nominee, the Regional Administrator must discuss the reasons for the proposed action with the nominating Tribe or Indian Organization. If the Tribe or Indian organization disagrees with the Regional Administrator's decision, the Tribe or Indian organization may:
 - 1. Negotiate with the Regional Administrator to reconsider the decision; and then,
 - 2. If the Regional Administrator continues to decline to make the appointment, invoke the Impasse Procedures outlined in chapter 01, section 01.50.
- G. Once the Regional Administrator appoints an individual to participate on a LICWAC, termination occurs only if:
 - 1. The member resigns;
 - 2. The member exceeds the unexcused absence limit set by that LICWAC; or

3. The Regional Administrator determines that, with input from the LICWAC, Tribes, and off-reservation Indian organizations, an individual is not suitable to continue to serve on the committee.
 - a. If the Regional Administrator finds that a member acting in a manner in contradiction to the intent and/or purpose of a LICWAC, the Regional Administrator must immediately vacate the seat.
 - b. The Regional Administrator retains responsibility for the termination of LICWAC members.

10.25 DCFS REGIONAL LICWAC LIAISON

- A. The Regional Administrator, in collaboration with the LICWAC, must designate a Liaison to work with each LICWAC.
 1. The Liaison is responsible for providing staff support to the LICWAC, coordinating functions of the LICWAC, and assisting the LICWAC in obtaining policy clarification from the Regional Administrator and/or the DSHS Office of Indian Policy and Support Services (IPSS).
 2. The Liaison must document **active efforts** to recruit LICWAC members from Tribes and off-reservation Indian organizations.
- B. The LICWAC Liaison must:
 1. In cooperation with the LICWAC members, provide mandatory training and orientation to new LICWAC members in the following areas:
 - a. Registration process for all LICWAC members, including completion of the standard volunteer registration card;

- b. A verbal review of confidentiality issues as well as a written statement of the confidentiality policy on the registration card. The member's signature on the card indicates a commitment to the maintenance of confidentiality;
- c. Mileage reimbursement process;
- d. Regional ICWAC expectations and procedures;
- e. Volunteer liability issues, including coverage through the Department of Labor and Industries (L&I) and Attorney General representation;
- f. CA programs and processes;
- g. Indian Child Welfare Act, including a copy of the *CA Indian Child Welfare Manual*.
- h. Requirements of Title IV-B of the Social Security Act, including:
 - Emphasis on the safety of children;
 - A statewide program addressing child abuse and neglect;
 - Diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed;
 - Child welfare services;
 - Family support;
 - Family preservation;
 - Time-Limited Family Reunification Services;
 - Adoption promotion and support services;
 - Independent living program;
 - Services in relation to permanency planning; and
 - Compliance with ICWA

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- i. Washington State laws impacting Indian Child Welfare;
 - j. Risk Assessment;
 - k. Child Abuse Reporting Law, RCW 26.44.030.
 - l. State ICW regulations, chapter 388- WAC.
 2. Schedule and coordinate LICWAC staffing, Indian CPT reviews, administrative reviews, prognostic reviews, and any other case planning staffing.
 3. With administrative support, ensure recording and distribution in a timely manner of minutes on all cases reviewed by LICWAC. Distribution includes one copy for the ICW section of the client service record and one copy in a central file readily available for LICWAC review.
 4. Identify training opportunities and ensure inclusion of LICWAC members, tribal representatives, and private agency staff in CA and other ICW training related to the delivery of Indian child welfare services; i.e., CA Training Academy, Risk Assessment, and training sponsored by Indian programs.
 5. Ensure that DCFS support staff mail appropriate material to all LICWAC members and designated private agency staff.
 6. Coordinate the authorization and payment of mileage for LICWAC members.
 7. Identify, advocate, and assist in the development of resources to meet the special unmet needs of Indian children and their families.
- C. If a LICWAC also serves as a CPT, the LICWAC Liaison carries out the following responsibilities:

1. Coordination and management of membership recruitment, training, scheduling, record keeping, including LICWAC/CPT recommendations, reporting, and communication for the LICWAC/CPT.
2. Provision of written staffing recommendations to the assigned social worker and supervisor following the staffing.
3. Maintenance of a tracking system to document the results of the staffing and recommendations.
4. If the CA social worker and the worker's supervisor disagree with the CPT/LICWAC recommendations, follow impasse procedures.

10.30 CASES MANDATED FOR LICWAC REVIEW

- A. The LICWAC must review all CA and private agency Indian cases meeting the criteria in section 10.05, above.
 1. In cases where a Tribe has its own CPT/LICWAC, and an Indian child of that Tribe is in the custody of the CA and the Tribe has declined jurisdiction, the social worker must staff the child's case with the Tribe's CPT/LICWAC if the Tribe agrees. If the Tribe does not agree to staff the case, then the social worker must staff the case with the non-tribal LICWAC.
 2. If an Indian Tribe requests the LICWAC to staff the case, the LICWAC Liaison must document the specific efforts the Liaison made prior to the LICWAC staffing to obtain representation from the child's Tribe at the case review.
 3. In cases where a Tribe does not have jurisdiction over an Indian child, or has declined jurisdiction over an Indian child who is in the custody of the CA, the social worker must comply with all state and federal laws, department rules, and department policies.

B. LICWAC/CPT Staffing -- Purpose, Policy, Priorities and Procedures

1. The Regional Administrator must formally designate a LICWAC as a CPT before it may function in that capacity.
2. The LICWAC must conduct CPT staffings in accordance with the procedures and timeframes identified in the *CA Practices and Procedures Guide*, chapter 2000, section 2562.
3. Once the social worker or the worker's supervisor identifies a case as needing to be staffed by a CPT, the supervisor within two business days contacts the LICWAC/CPT Liaison to schedule a review.
4. After notification by the supervisor, the Liaison gives immediate verbal notice to LICWAC/CPT members followed by immediate written notice.
5. Once the LICWAC/CPT has conducted the initial review, the social worker implements the LICWAC/CPT recommendations unless the Regional Administrator decides not to implement the recommendations. If this occurs, the LICWAC follows impasse procedures in section 10.55.
6. Unless subsequent CPT staffings are necessary, the LICWAC/CPT conducts further reviews only if the child's Tribe is unavailable or requests further LICWAC involvement. See section 10.05, above. In such cases, the committee will schedule future reviews at the initial staffing, and the committee will review progress on an on-going basis, at a minimum of every six months, until CA or the child placing agency closes the case or the criteria for LICWAC involvement cease to exist.
7. A quorum for a LICWAC/CPT case consists of no less than four LICWAC members representing medical, legal/law enforcement, drug/alcohol, social service, and other disciplines that provide services to children and their parents in compliance with RCW 74.14B.030.

8. If the LICWAC/CPT does not include sufficient membership to serve as a CPT in accordance with the CA requirements, the Liaison must, with the concurrence of the LICWAC, request that local CPT members participate with the LICWAC to staff the cases.

C. Administrative Reviews

1. Subject to the criteria in section 10.05, above, an administrative review must occur for any child residing in an out-of-home placement and for whom a review meeting federal requirements for periodic reviews has not occurred. See the *CA Practices and Procedures Guide*, chapter 4000, Section 4630.
2. The social worker must provide notification to all interested parties:
 - a. The child's parent(s);
 - b. The child's Indian custodian, if any;
 - c. The child if age 12 or older;
 - d. *Guardian ad litem*/CASA;
 - e. The child's foster parents;
 - f. Attorneys representing any party to the case;
 - g. Therapists involved with the child or family;
 - h. The child's Tribe(s); and
 - i. The LICWAC Liaison.
3. The Liaison must notify LICWAC members in writing 14 days in advance. In an emergency, the social worker may provide notice through personal contact.
4. A quorum consists of three LICWAC members for administrative staffings.

D. Staffing for Non-Indian Placements

Subject to the criteria in section 10.05, above, all Indian cases where an Indian child is placed in a non-Indian placement resource require a staffing with LICWAC if the child's Tribe is unknown or unavailable. This requirement does not apply to non-Indian relative placements.

1. Prior to placing an Indian child in a non-Indian foster home the social worker must follow the requirements of chapter 07, sections 07.30 and 07.35.
2. If a child's Tribe is unavailable to provide review and approval of the placement, the social worker notifies the LICWAC Liaison. The Liaison schedules a staffing to be held as soon as possible and no later than the next regularly scheduled LICWAC following the notification by the social worker. See section 10.01.
3. The LICWAC must conduct the initial staffing as a regular review. The worker's presentation will include a summary of efforts to obtain permission from the Tribe for the non-Indian placement.
4. If LICWAC approves a non-Indian placement, the social worker must document the worker's continuing efforts to obtain an Indian placement.
5. LICWAC must review non-Indian placements on a monthly basis or an alternative timeframe recommended by the LICWAC. The social worker may extend the placement on a month-to-month basis with LICWAC approval.
6. If at any time a child's Tribe approves a placement, the social worker need not obtain LICWAC approval of the placement.
7. A quorum for a non-Indian placement review consists of three LICWAC members.

E. Permanency Planning Case Staffing

All children in out-of-home care must have a permanency planning staffing with the LICWAC prior to the in-court permanency planning review.

1. The social worker must review the case with the Tribe or LICWAC, if the Tribe is unavailable, at least every six months for compliance with state and federal Indian child welfare mandates. If the Tribe is available, the social worker must share information needed to allow the Tribe to properly review and monitor the case with the Tribe.
2. Prior to placing an Indian child with a family, the social worker shall follow the requirements of chapter 08, sections 08.40 and 08.45.
3. If the social worker verifies that a child's Tribe is not available to provide review and approval of the placement decision, the social worker must provide documentation of all efforts to contact the Tribe and obtain LICWAC approval of the placement and.
4. The LICWAC must review a prospective adoptive or foster-adoptive placement as provided in chapter 08, section 08.50, to assess the suitability of the placement, when the child's Tribe is unavailable. The LICWAC and the social worker must encourage non-Indian adoptive parents to seek out resources from the child's Tribe or LICWAC to assist the parents in meeting their adoptive Indian child's needs at any age.
5. A quorum consists of three LICWAC members for permanency planning cases.

F. Non-Tribal Private Agency Access to LICWAC Staffing

Private agency cases are subject to all provisions in this manual. Non-tribal private child placing agencies must staff all Indian children with LICWAC subject to the criteria in section 10.05, above. The CA Assistant Secretary may exempt off-reservation Indian child placing agencies from this requirement.

1. The private agency worker notifies the CA LICWAC Liaison immediately upon identifying a child who is or may be an Indian child and who meets the criteria of section 10.05, above.
2. The liaison schedules the case for LICWAC review at the next regular LICWAC meeting at which there is time available for the staffing.
3. The LICWAC reviews each private agency case at least every six months or more often if the LICWAC determines necessary.

G. Voluntary Placement Staffing Priorities

The assigned social worker must staff with LICWAC all Indian cases in which the parent(s) have voluntarily placed their child in the custody of DCFS or a private child placing agency, subject to the criteria in section 10.05, if the child's Tribe is unavailable.

1. The social worker schedules Indian voluntary placement cases for LICWAC review at the next regularly scheduled meeting from the point of intake.
2. If the placement is a non-Indian placement, the staffing provisions for non-Indian cases apply. See section 10.30, above.

3. If the placement is an Indian placement and meets the criteria of section 10.05, above, the social worker schedules the case for review at least every six months, or more often if determined necessary by the LICWAC or if required by the provisions of this manual.
4. A quorum for a voluntary placement review consists of three LICWAC members.

H. Staffing Priorities for Other Indian Cases

If a case meets the criteria of section 10.05, above, and a significant change occurs in the plan or with the case in any of the identified staffing categories, the LICWAC must re-staff the case at the next LICWAC review prior to any court hearings. If the court order differs significantly from the recommendations of the LICWAC, the social worker must provide a copy of the court order to the LICWAC liaison upon receipt of the written order.

10.35 WHO MAY REQUEST A STAFFING

- A. The social worker must initiate a case staffing as required by this manual or at the request of members of tribal councils and/or their designees and/or off-reservation Indian organizations, or members of the LICWAC committee, the social worker's supervisor, or the LICWAC Liaison. The child's Tribe, parent, relative, foster parent, or others involved with the child may contact the LICWAC Liaison to request a staffing.
- B. For CA cases, the DCFS supervisor screens all Indian cases meeting the criteria in section 10.05, above, and requests the appropriate type of LICWAC staffing for each case.

10.40 STAFFING ATTENDANCE

- A. The social worker assigned to the case must always be the primary presenter and must attend the staffing.

- B. CA expects all appointed and registered LICWAC members to attend and participate in LICWAC staffings.
- C. The LICWAC determines who may participate and to what extent in LICWAC deliberations, with the level of participation in compliance with confidentiality requirements. Consistent with these limitations, the following persons may participate:
 - 1. Parents, guardians and Indian custodians.
 - 2. Child(ren) being staffed - usually over 12 years of age.
 - 3. Foster parents, relatives, or support persons upon agreement by the social worker and the LICWAC chairperson.
 - 4. Tribal representatives or their designees.
 - 5. Attorneys and *guardians ad litem*/CASA, upon agreement by the social worker and LICWAC chairperson.
 - 6. Other resource persons necessary for additional information.

10.45 RELATIONSHIPS OR CONFLICTS OF INTEREST

- A. Any LICWAC member who is expressly familiar, related, or involved in another capacity with the parties being reviewed must state the role/relationship prior to the review. Such a member may give input on the situation but must leave the room while the LICWAC determines its recommendations if the member:
 - 1. Is related to the child or family being staffed, up to the specified degree of 2nd cousin;
 - 2. Works for a private agency providing placement or services to the family; or

3. Is in an advocacy role with one or more individuals in the family;
- B. The LICWAC may determine that a conflict exists for a member in a specific case and will exclude the member from discussion and recommendation on the specific case.

10.50 STAFFING PROTOCOL

- A. The social worker gives a current ISSP to the LICWAC liaison 10 working days in advance of the staffing. For CPT cases, the social worker may use the police report in lieu of the ISSP for the initial staffing.
- B. The child's social worker must bring at least three copies of the following to the LICWAC staffing:
 1. An ISSP signed by the social worker's supervisor;
 2. The child's ancestry chart;
 3. Section A of the LICWAC staffing form; and
 4. LICWAC's most recent recommendations if the case has been previously staffed with the committee.
- C. The child's social worker must bring the child's entire service record to the staffing, including:
 1. All psychological reports;
 2. All medical reports;
 3. Counseling reports;
 4. Professional correspondence;
 5. Police reports;
 6. Pictures;

7. *Verification of Indian Status;*
 8. *Ethnic Identity* form, DSHS 09 761; and
 9. All court reports.
- D. The LICWAC chairperson opens each meeting with an explanation of LICWAC, introductions, confidentiality requirements, and an announcement that members must declare relationships or involvement as cases are presented.
- E. The LICWAC reviews the ISSP or police report along with any other pertinent material. The committee discusses the facts of the case and asks questions regarding the history of the case placement, services being offered and approved, progress being made, barriers to reunification, and timeframes as to when the permanent plan is most likely to be accomplished.
- F. The LICWAC Liaison takes complete minutes for each staffing and documents all recommendations clearly on the *Administrative Review* form, DSHS 05-203, or a LICWAC Staffing Form that documents all recommendations.
- G. The LICWAC chairperson or secretary reads the recommendations, and all LICWAC members vote or otherwise concur with the recommendations made. The committee incorporates the recommendations into the case plan, and the members sign the form.
- H. The social worker reviews the written LICWAC recommendations at that point. If the social worker agrees with the LICWAC recommendations and plans to implement those recommendations as part of the case plan, the social worker signs the form. The worker then updates the ISSP to state that LICWAC conducted the mandatory staffing and concurred with the plan.
- I. If the social worker does not agree with the LICWAC recommendations, the social worker:
1. Does not sign the form;

2. Must advise the LICWAC at that time of the social worker's points of disagreement; and
 3. May undertake further discussion and mediation with the LICWAC regarding the disputed recommendations.
- J. If after mediation and discussion the committee and the social worker cannot resolve the disagreement, and the majority of LICWAC members vote to pursue the impasse, CA initiates impasse procedures.

10.55 IMPASSE PROCEDURES

If impasse occurs, CA initiates the impasse procedures outlined in chapter 01, section 01.50.

10.60 DISCIPLINARY AND CORRECTIVE ACTION

Any CA employee who willfully fails to comply with the LICWAC's recommendations is subject to the provisions of DSHS Personnel Policies No. 545, *Investigation of Suspected Employee Misconduct*, and 546, *Disciplinary and Corrective Action*.

10.65 AGREEMENTS WITH PRIVATE CHILD PLACING AGENCIES

The DCFS Regional Administrator or designee must develop, update, and approve working agreements every two years with private child placing agencies within the region regarding the provision of Indian child welfare services. The Regional Administrator's designee also monitors agreements for compliance with state and federal Indian child welfare mandates and notifies the appropriate Division of Licensed Resources (DLR) Regional Licensor of agencies that are out of compliance and in need of a corrective action plan.

